



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of SB2290 SD1
RELATING TO MICROBEADS**

REPRESENTATIVE AARON LING JOHANSON, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Hearing Date: 3/21/2022

Room Number: CR329/Videoconference

1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's
2 Executive Budget Request for the Department of Health's (Department) appropriations and
3 personnel priorities.

4 **Department Testimony:** The Department supports this measure. This measure seeks to amend
5 Hawaii Revised Statutes (HRS), Chapter 321 by requiring a phase-out and ultimate prohibition
6 on the manufacture and sale in Hawaii of personal care products and non-prescription drugs
7 containing plastic microbeads five millimeters in size or smaller. The Department is aware that
8 the accumulation and possible impacts of microplastic particles in the marine environment is
9 recognized as an important environmental issue and supports efforts to decrease microplastic
10 pollution in Hawaii's waters to protect our marine environment. Banning personal care products
11 with plastic microbeads, not regulated under the federal Microbead-Free Waters Act of 2015, is a
12 small step towards achieving this overall goal.

13

14 **Offered Amendments:** None.

15 Thank you for the opportunity to testify on this measure.



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
March 21, 2022
SB 2290 SD1 RELATING TO MICROBEADS**

Good afternoon, Chairperson Johanson and members of the House Committee on Consumer Protection and Commerce. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901, RMH is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, local, national, and international retailers, chains, and everyone in between.

We are opposed to SB 2290 SD1 Relating to Microbeads. Beginning 7/1/2022, this measure bans the manufacture of a personal care product, except a non-prescription drug, that contains plastic microbeads. Beginning 7/1/2023, bans the sale or offer for sale of a personal care product, except a non-prescription drug, that contains plastic microbeads. Beginning 7/1/2024, bans the sale or offer for sale of a non-prescription drug that contains plastic microbeads. Specifically exempts rinse-off cosmetics that are also non-prescription drugs regulated by the federal Microbead-Free Waters Act of 2015. Effective 7/1/2050.

Retailers are concerned about our environment. **We are unclear exactly what types of products this bill is trying to address. It is our understanding that there is already federal legislation in place with The Microbead-Free Waters Act of 2015.** This Federal law has been in effect since 2017 prohibits the manufacturing, packaging, and distribution of products containing plastic microbeads. This federal law also states that

Under the new law, state or local authorities are not allowed to enact laws or continue to enforce laws that:

- restrict the manufacture of rinse-off cosmetics that contain plastic microbeads, or*
- restrict the introduction or delivery of such products into interstate commerce, unless the state or local restrictions are the same as those of the new federal law that have taken effect.*

Mahalo for this opportunity to testify.



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tyamaki@rmhawaii.org

SB-2290-SD-1

Submitted on: 3/20/2022 9:34:23 AM

Testimony for CPC on 3/21/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mark Wolfendale	Rotary Club Hanelie Bay	Support	Written Testimony Only

Comments:

The Rotary Club of Hanalei Bay actively supports all actions to reduce the amount of plastic on our islands. Plastics remain and accumulate indefinitely. This is a simple and effective way to stop one source of the plastics that accumulates on our islands.



3/20/2022

CPC Committee
Hawaii State Capitol
Honolulu, Hawaii 96813

Dear Chair Johanson, Vice Chair Kitagawa, and Members of the House Committee on Consumer Protection and Commerce,

Position: Support SB2290 SD1.

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. Surfrider Foundation maintains a network of over 150 chapters and academic clubs nationwide, including 4 chapters in the Hawaiian Islands. The Surfrider Foundation focuses on many aspects of the environment such as coastal protection, plastic pollution, and water quality.

Surfrider Foundation **strongly supports SB2290 SD1** to reduce plastic microbead pollution in Hawai'i waters. Despite federal legislation, plastic microbeads that are still in many personal care products are very harmful to coral and marine life, causing disease, reproductive issues, blockages and starvation. Plastic microbeads are found in waterways by the billions as most are too small to be filtered out by most treatment facilities. They are especially harmful because they can often absorb chemicals and toxins found in water along the way and are then ingested by marine life, passing up through the food chain, even to the humans who eat seafood.

There is only so much we can do on the land to eliminate debris and pollution. **A true solution to the plastic pollution problem must focus on the sources of plastic pollution.** The purpose of this bill is thus to reduce environmental and human health harm by phasing in a prohibition on the manufacture and sale in the State of certain personal care products and non-prescription drugs that contain plastic microbeads.

This bill explicitly applies only to "leave-on" personal care products (e.g. makeup foundation, face cream, moisturizer, deodorants, etc.) that contain plastic microbeads, not the "rinse-off" cosmetics like exfoliants, soaps, and toothpastes that are regulated under the federal Microbead-Free Waters Act of 2015. Public Law 114-114. The bill would also apply to existing leave-on products used for beautifying, promoting attractiveness, or altering appearance, such as lipstick, eyeliner, nail polish, etc.

Because there is a clear explicit delineation between "leave-on" and "rinse off" products, there is no legal ambiguity or preemption issue for this bill. The bill defines "plastic microbead" as a plastic particle that is less than 5 millimeters in size.

Please support SB2290 SD1 to reduce plastic microbead pollution that harms corals and other marine species in Hawaii's ocean.

Sincerely,

Lauren Blickley
Hawaii Regional Manager
Surfrider Foundation

SB-2290-SD-1

Submitted on: 3/20/2022 11:44:35 AM

Testimony for CPC on 3/21/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Hawai'i Reef and Ocean Coalition	Support	Remotely Via Zoom

Comments:

To: The Honorable Aaron Ling Johanson, Chair, The Honorable Lisa Kitagawa, Vice Chair, and Members of the House Committee on Consumer Protection and Commerce

From: Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

Re: Hearing SB2290 SD1 RELATING TO MICROBEADS.

Monday March 21, 2022, 2:00 p.m., CR 329 and by videoconference

Aloha Chair Johanson, Vice Chair Kitagawa, and Members of the House Committee on Consumer Protection and Commerce!

Position: **Hawai'i Reef and Ocean Coalition Strongly Supports SB2290 SD1!**

The Hawai'i Reef and Ocean Coalition (HIROC) is very concerned about protecting coral reefs and other marine species from the many harmful effects that plastic microbeads have on marine life. The Hawai'i Reef and Ocean Coalition **strongly supports** SB2290 SD1 to reduce plastic microbead pollution in Hawai'i waters.

The plastic microbeads that are still in many personal care products are very harmful to coral and marine life, causing disease, reproductive issues, blockages and starvation. Plastic microbeads can enter the ocean by the billions. They come off the skin of swimmers or are washed off in the shower. Significantly, they enter the ocean through the sewer system, as most are too small to be filtered out by most treatment facilities. They are especially harmful because they can often absorb chemicals and toxins found in water along the way and are then ingested by marine life, passing up through the food chain, even to the humans who eat seafood.

The purpose of this bill is to reduce the harm to corals and marine species by phasing in a prohibition on the manufacture and sale in the State of certain personal care products and non-prescription drugs that contain plastic microbeads.

This bill explicitly applies only to "leave-on" personal care products that contain plastic microbeads, not the "rinse-off" cosmetics like exfoliants, soaps, and toothpastes that are regulated under the federal Microbead-Free Waters Act of 2015. Public Law 114-

114. Because there is a clear explicit delineation between "leave-on" and "rinse off" products, there is no legal ambiguity or preemption issue for this bill.

SB2290 SD1 properly amends the definition of "personal care products" to add leave-on products related to hygiene, skin care, and sun protection. Leave on products such as deodorants, moisturizers, hand sanitizers, and sunscreens would be covered. The bill would also apply to existing leave-on products used for beautifying, promoting attractiveness, or altering appearance, such as lipstick, eyeliner, nail polish, etc.

The bill defines "plastic microbead" as a plastic particle that is less than 5 millimeters in size.

This bill is needed to reduce plastic microbead pollution that harms corals and other marine species in Hawaii's ocean. Please pass this important bill to protect Hawaii's corals and other marine species!

Mahalo!

Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

SB-2290-SD-1

Submitted on: 3/20/2022 12:01:55 PM

Testimony for CPC on 3/21/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maxx Phillips	Center for Biological Diversity	Support	Written Testimony Only

Comments:

Please accept the Center for Biological Diversity's testimony in support of Senate Bill 2290 SD1.

Mahalo,

Maxx Phillips, Esq.

Hawai'i Director and Staff Attorney

Center *for* Biological Diversity

1188 Bishop Street, Suite 2412

Honolulu, Hawai'i 96813

mphillips@biologicaldiversity.org

www.biologicaldiversity.org

DATE: 20th March, 2022

TO: Chair Johanson, Vice-Chair Kitagawa & Members of the House Committee on Consumer Protection & Commerce

FROM: Suzanne Frazer, President, Beach Environmental Awareness Campaign Hawai'i

RE: **TESTIMONY IN STRONG SUPPORT OF SB2290 SD1**
Relating to Microbeads.

Committee meeting on Monday 21st March, 2022 at 2PM via videoconferencing

Aloha Chair Johanson, Vice-Chair Kitagawa and Committee Members,

Thank you for hearing this important bill. Mahalo to the legislature for amending this bill and passing it thus far.

Beach Environmental Awareness Campaign Hawai'i (B.E.A.C.H.) is in strong support of SB2290 SD1. This bill will ban microbeads in "leave-on" products (please see examples below). The Federal Microbead-Free Waters Act of 2015 banned only microbeads in "rinse-off" products (please see some examples next page). SB2290 SD1 does not apply to any products already regulated by the Federal Act.

Leave-on products: (examples of some of the products this bill pertains to)

- sunscreen
- deodorant
- skin cream
- hair spray
- hand sanitizer
- insect repellent
- moisturizers
- nail polish
- foundation make-up
- face powder
- lip stick
- blush
- eye make-up
- lip gloss
- lip balm
- mascara
- anti-wrinkle cream

Rinse-off products: (examples of products already regulated and not applicable to this bill as they are already regulated by the 2015 Federal Microbead-Free Waters Act)

- toothpaste

- face scrubs
- body scrubs
- exfoliants
- shampoo
- conditioner
- shaving cream
- liquid soap
- face masks
- bubble bath

This bill, SB2290 SD1 is necessary. Plastic microbeads are completely unnecessary. Before the mid 1990's there weren't even any plastic microbeads in personal care products and the products worked just fine. There is no good reason why to include microbeads in sunscreen, make-up, skin cream and other products for beauty, hygiene and skin protection etc. In fact plastic is being used as a bulking agent – which means that it's a dishonest way for companies to give consumers more plastic and less product.

In the case of “rinse-off” products plastic was used as an excuse for providing “exfoliating” but non-rounded natural particles such as sea salt, sand, sugar, seeds etc. work much better and the plastic did very little meaning people didn't get any benefit from it and were instead being harmed by having plastic stuck between their teeth from it being in toothpaste for instance and worse, people ingesting it from eating seafood. Adding plastic to personal care products has resulted in billions of tiny plastic particles being littered into the ocean as wastewater treatment plants can't collect it.

There is no such excuse for using microbeads in “leave-on” products as there is no exfoliating , scrubbing or cleansing with leave on products. Leave-on products are still washed off eventually when someone takes a shower or goes in the ocean. Which means the plastic microbeads in these products still end up in the same place as “rinse-off” products – in the ocean.

Plastic is incredibly harmful. It is a killer of many marine species that ingest it thinking it's food. Microbeads are ingested by coral. They are ingested by the base of the food chain – plankton – causing the chemicals in the microbeads as well as the POPs – persistent organic pollutants – which attach onto the plastic in the ocean, to be passed throughout the whole food chain. That means that people eating fish and other seafood are ingesting the POPs and the plastic chemicals that have bioaccumulated up through the food chain. POPs include DDT, DDE and dioxins. These chemicals are harmful to human health causing cancer and other diseases.

This is an important bill which will protect consumers as well as marine life. Please pass this bill. Thank you for the opportunity to provide written testimony in strong support of SB2290 SD1.

Aloha.

Suzanne Frazer.
B.E.A.C.H. Co-Founder.

Further information about microbeads:

UNEP: Plastic in cosmetics fact sheet:

<https://wedocs.unep.org/bitstream/handle/20.500.11822/21754/PlasticinCosmetics2015Factsheet.pdf?sequence=1&isAllowed=>

Mascara, lipsticks, foundations, and face powders – products that come in close contact with our eyes and mouth – can contain many microplastics:

<https://www.beatthemicrobead.org/11-makeup-brands-exposed-with-the-use-of-microplastics/>

Microbeads: Hidden plastics in cosmetics:

<https://treadingmyownpath.com/2019/08/22/microbeads/>

Beach Environmental Awareness Campaign Hawai`i (B.E.A.C.H.), is a non-profit organization formed in 2006 bringing awareness and solutions to plastic marine debris.

ph: (808) 554 2902

www.b-e-a-c-h.org

SB-2290-SD-1

Submitted on: 3/19/2022 3:27:37 PM

Testimony for CPC on 3/21/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cynthia Punihaole Kennedy	Individual	Support	Written Testimony Only

Comments:

I strongly support SB 2290 to ban the manufacture of a personal care product, except a non-prescription drug, that contains plastic microbeads.

SB-2290-SD-1

Submitted on: 3/19/2022 5:10:59 PM

Testimony for CPC on 3/21/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cara Oba	Individual	Support	Written Testimony Only

Comments:

I am all for plastic reduction and one of the best places to start is with microbeads which are unnecessary and inevitably end up in waterways and cycle through all of us as microplastics inadvertently enter our our bodies and our food systems. We already know it is a problem and simply need to take action. Please pass this bill!

SB-2290-SD-1

Submitted on: 3/20/2022 10:18:25 AM

Testimony for CPC on 3/21/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Roberts "Bob" Leinau	Individual	Support	Written Testimony Only

Comments:

It is time to control plastics in our environment. It is a global problem being initiated at the very bse of our food chain/web.

Mahalo. Bob Leinau

SB-2290-SD-1

Submitted on: 3/20/2022 10:37:09 AM

Testimony for CPC on 3/21/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

I support SB2290 SD1. Plastic microbeads, found in many beauty products, are harmful to coral and marine life. Plastic microbeads can enter the ocean when they come off the skin of swimmers, or through the sewer system when they are washed off in the shower, as they are too small to be filtered out by most treatment facilities. These particles absorb toxins found in water, and then are ingested by marine life, passing up through the food chain to the humans who eat fish. **The ocean is already under stress as a result of the effects of climate breakdown. Plastic microbeads just add to an already serious problem.**

Please PASS this measure to protect marine life, human health and the environment. Mahalo!

SB-2290-SD-1

Submitted on: 3/20/2022 3:28:05 PM

Testimony for CPC on 3/21/2022 2:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
David Dinner	Individual	Support	Written Testimony Only

Comments:

This issue will not be resolved until we stop producing and selling these products. Here is the chance we've been waiting for.

SB-2290-SD-1

Submitted on: 3/21/2022 8:00:11 AM

Testimony for CPC on 3/21/2022 2:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Megan Lamson Leatherman	Individual	Support	Written Testimony Only

Comments:

Mahalo for the opportunity to testify in **FULL SUPPORT on bill (SB2290 SD1)** related to microbeads in our over-the-counter drugs. Please pass this forward-thinking bill into law and preventing these small, toxic plastic beads from entering into our environment and our own bodies (where they are already known to cause damage). Many thanks for your time and consideration.

Best,

Megan Lamson Leatherman, M. Sc.

Honalo, North Kona